IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8270 of 2005

Between:

Meesala Sanyasi Naidu S/o. Appala Swamy Naidu,
R/o. Meesala Dolapet Village, Regidi Amadalavalasa Mandal,
Srikakulam District.

..... PETITIONER

AND

1 The District Collector, (Civil Supplies) Srikakulam, Srikakulam

District.
2 The Revenue Divisional Officer, Palakonda Division, Palakonda,
Srikakulam District.
3 The Mandal Revenue Officer, Regidi Amadalavalasa Mandal,

Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd Respondent Vide Rc.No. 619/2005F dt. 31-3-2005 is illegal and arbitrary, consequently to set aside the proceedings of the 2nd respondent vide Rc.No. 619/2005F dt. 31-3-2005 by restoring Fair Price Shop Situated at Meesala Dolapet Village, Regidi Amadalavalasa Mandal, Srikakulam District in favour of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAMA KOTESWARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

After making an inspection, certain irregularities have been found in respect of the fair price shop dealership of the petitioner and the Revenue Divisional Officer, vide proceedings dated 31-3-2005 in Rc.No.619/2005F, suspended the dealership of the petitioner, pending enquiry.

Placing reliance on the Judgment of this Court reported in ***Alivelamma v. Revenue Divisional officer***, it is submitted by the learned counsel for petitioner that the suspension of the fair price shop dealership, without issuing any notice, during the pendency of the enquiry is illegal.

On the contrary, the learned Government Pleader for Civil Supplies relied on a judgment of a Division Bench of this Court reported in ***R.Sankar Naik V.R.Chowla Naik***, wherein it was held that,

> *"Suspension of an order of suspension of authorization pending enquiry, cannot be made and dealer cannot be permitted to function as a dealer on the mere ground that 90 days elapsed after passing order of suspension".*

Admittedly, an enquiry is pending before the authorities. During the pendency of the enquiry, the 2nd respondent having come to the conclusion that the irregularities pointed out against the petitioner are grave in nature and will come under the purview of violation of the provisions of under the Control Order, 2001, ordered for suspension of the dealership of the petitioner. The order impugned is not a final order and therefore, the same cannot be construed as a measure of punishment and it is only an interim arrangement in the interest of the Public Distribution System during the pendency of the enquiry. Therefore, the order impugned does not warrant any interference by this Court. However, in the circumstances, I feel it appropriate to direct the respondents to complete

the enquiry and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

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27-04-2005

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Copy to

1 The District Collector, (Civil Supplies) Srikakulam, Srikakulam District.

2 The Revenue Divisional Officer, Palakonda Division, Palakonda, Srikakulam District.

3 The Mandal Revenue Officer, Regidi Amadalavalasa Mandal, Srikakulam District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5. Two CD copies.